

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Karen Elbing on January 14, 2008.

The application has been amended as follows:

In claim 1, line 2, between the terms "psoriasis" and "by" the phrase --in a patient in need thereof-- has been inserted.

In claim 17, line 1 - 2, the phrase "said inhibitor" has been deleted and replaced with "the 2-(6-(4-chlorophenoxy)hexyl)oxirane-2-carboxylic acid ethyl ester".

In claim 20, line 2, the term "inhibitor" has been deleted and replaced with "2-(6-(4-chlorophenoxy)hexyl)oxirane-2-carboxylic acid ethyl ester".

In claim 22, line 2, the term "inhibitor" has been deleted and replaced with "2-(6-(4-chlorophenoxy)hexyl)oxirane-2-carboxylic acid ethyl ester".

2. The following is an examiner's statement of reasons for allowance:

The amendments to the claims and the declaration under 37 CFR 1.132 filed October 14, 2008 is sufficient to overcome the rejection of claims 1, 16, 17 and 20 – 22 under 35 USC 102(b) based upon Marshall et al. (US 4,933,365).

The rejection of claims 1 – 5 and 16 under 35 USC 103(a) as being unpatentable over Madsen et al. (J Invest Dermatol 1992) in view of Spurway et al. (FEBS Letters, 1997) has been overcome by Applicants arguments. Briefly, the combination of Madsen and Spurway taught that psoriasis is associated with altered transport and/or metabolism of fatty acid and psoriatic tissue contains up-regulated levels of psoriasis-associated fatty acid binding protein (PS-FABP). 2-(6-(4-chlorophenoxy)hexyl)oxirane-2-carboxylic acid ethyl ester (etomoxir) is a compound known to inhibit fatty acid oxidation. Applicants have presented articles which indicate the application of retinoic acid, a known treatment for psoriasis, results in rapid induction of PA-FABP, which is contrary to the teaching of Madsen that a psoriasis treatment should decrease PA-FABP. Additionally, the compound of the instant claims inhibits the enzyme CPT-1, is cell-type specific and different isoforms being expressed in different tissues. Therefore, the effects of this compound in hepatocytes and adipocytes studied in Spurway are not directly relevant to the keratinocytes relevant to psoriasis and Spurway teaches that the effects of etomoxir differ in the two cell types studied.

Art Unit: 1618

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nissa M. Westerberg whose telephone number is (571)270-3532. The examiner can normally be reached on M - F, 8:00 a.m. - 4 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Hartley can be reached on (571) 272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael G. Hartley/
Supervisory Patent Examiner, Art Unit 1618

NMW